

Matter of Higgins,
Del. Supr., 582 A.2d 929 (1990)

Disciplinary Rules: DLRPC 1.15(a), 8.4(b), 8.4(c), Interpretive
Guideline No. 2 to DLRPC 1.15(a)

Nature of Case:

The Board on Professional Responsibility found that Respondent had engaged in a number of episodes of serious misconduct. In nine separate real estate settlements dated from May to October of 1989, Respondent failed to satisfy such items as a sewer bill, a county tax lien, appraisal fees, a property tax bill, and six existing mortgages after receiving the funds to do so at settlement. 582 A.2d at 930-31. Instead, Respondent converted the funds to his own use. Id. The amounts he converted ranged from \$72.00 to as much as \$61,098.60, and totaled approximately \$230,000.00. Id. at 931. The Board further found that Respondent failed to maintain cash receipts journals, disbursement journals, separate ledgers, trial balances and reconciliations for settlements which identified the proceeds received and disbursed by Respondent. Id.

The Respondent, who is now incarcerated as a result of conviction for these thefts of client property, represented through his attorney to the Court that he took no exception to the Board's findings. Id. at 930.

Action Taken by the Court:

The Court concluded that the record clearly supported the findings of fact and the conclusions of law made by the Board. Id. at 932. The Court held that "[t]he misappropriation of clients' funds is one of the most egregious acts of professional misconduct that any attorney can commit". Id.

Disbarment was ordered.